



OFFICE OF THE PUBLIC DEFENDER JOB PROFILE

The job profile is a streamlined position description and may serve as the core document for all human resource functions such as recruitment, selection, performance management and career and succession planning.

SECTION I – Identification

<i>Working Title</i> Managing Attorney		<i>Job Code Number</i> 231118	<i>Job Code Title</i> Lawyer
<i>Pay Band</i> 8	<i>Position Number</i> 61800207		<input checked="" type="checkbox"/> FLSA Exempt <input type="checkbox"/> FLSA Non-Exempt
<i>Department</i> Office of the Public Defender			<i>Division and Bureau</i> Missoula Public Defender Office
<i>Section and Unit</i>			<i>Work Address and Phone</i> 44 W Park, Butte, MT 59701
Profile Produced By Randi Hood, Chief Public Defender Barb Kain, Human Resource Officer		Work Phone 406-496-6080 406-496-6091	

Description of the Work Unit:

The Office of the State Public Defender was established to create a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense. The statute creating the statewide system also ensures that the system is free from undue political interference and conflicts of interest; that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the State of Montana; that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests; and that adequate public funding of the statewide public defender system is provided and managed in a fiscally responsible manner.

The Office of the State Public Defender represents indigent clients in criminal, dependent neglect, and appeal cases. Further, the agency represents all clients involved in juvenile cases, the commitment of the mentally ill, and the representation of incapacitated persons.

Eleven regional public defender offices have been established around the State of Montana. This position will be assigned to one of the public defender offices located in 16 different cities. Regional offices are located in Kalispell, Missoula, Great Falls, Helena, Butte, Bozeman, Billings, Miles City, Glendive, Havre, and Lewistown. Additional public defender offices are located in Polson, Libby, Hamilton, Cut Bank, and Anaconda.

Purpose of the Job:

Manage and supervise all public defender services provided within the Managing Attorney's Public Defender Office; Establish protocols so that when a court orders the office to assign counsel, the assignment is made promptly to an appropriate public defender and so that a public defender is immediately available when necessary; Ensure that public defender assignments within the Public Defender Office comply with the provisions of MCA [47-1-202\(7\)](#); which establishes procedures for managing caseloads and assigning cases in a manner that ensures that public defenders are assigned cases according to experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel; Hire and supervise the work of office personnel as authorized by the Regional Deputy Public Defender and the Chief Public Defender; Contract for services as provided in MCA [47-1-216](#) and authorized by the Regional Deputy Public Defender and or the Chief Public Defender according to the strategic plan approved by the commission; Keep a record of public defender and associated services and expenses in the Public Defender Office and submit the records to the Regional Public Defender and the Central Office as requested; Implement the standards and procedures established by the Commission, Chief Public Defender and the Regional Deputy Public Defender for the Public Defender Office; Maintain a client caseload as determined by the Regional Deputy Public Defender; and Perform all other duties as assigned by the Regional Deputy Public Defender.

Assistance is available from the Public Defender Commission, the Chief Public Defender, the Regional Deputy Public Defender and staff in carrying out these responsibilities.

SECTION II - Major Duties or Responsibilities

This section should be a clear concise statement of the position's major duties and the approximate percent of work time for each duty.

% of Time

. Performs a variety of difficult and complex criminal defense, administrative, liaison, and supervisory duties in the office of the Public Defender; does related work as required

- Directs, coordinates and supervises the activities of Public Defenders;
- At the direction of, or in consultation with, the Regional Public Defender, serves as Public Defender's liaison with the County Attorney's Office, District Court Judges, Justices of the Peace, and law enforcement agencies to coordinate criminal and misdemeanor case activity and disposition;
- Ensures timely and appropriate pleadings, motions, appeals, case preparation, scheduling, and follow-up by Public Defenders;
- At the direction of, or in consultation with, the Regional Public Defender, investigates complaints from disgruntled clients and recommends appropriate resolution of problems to Regional Deputy Public Defender and the Chief Public Defender;
- At the direction of, or in consultation with, the Regional Public Defender, represents Office of the Public Defender in disputes that arise with law enforcement agencies, County Attorneys, and judicial offices regarding policies and procedures;
- Identifies the costs, timing and other key issues involved in meeting the needs of the Office of the Public Defender and effectively recommends appropriate course of action;
- Participates in the development of goals, plans, and measurements for the identification and evaluation of the County's public defense needs by performing research, operational analyses, and policy and procedural reviews;
- Develops recommendations for enhancing the operations and services of the Office of the Public Defender in collaboration with the Regional Deputy Public Defender;
- Directs, supervises, advises, motivates, counsels, trains, prioritizes, and evaluates the work and performance of Public Defender Staff including but not limited to Lawyers, Investigators, Paralegals and Support Staff;
- Performs the duties and responsibilities of the Regional Deputy Public Defender in his/her absence as required;
- Attends meetings, conferences and workshops as requested and authorized;

Performs the duties and responsibilities of employees supervised:

- Act as defense attorney to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense;
- Provides quality representation and diligent advocacy to the client at all stages of the representation;
- Conducts interviews, answers inquires from clients and keeps the client informed of the progress of the case; coordinates related activities to review and evaluate evidence and assess case

strength.

- Conducts investigations; obtains formal and informal discovery; develops a theory of the case; researches legal issues, prepares, files and argues appropriate motions;
- Negotiate settlements or changes of plea;
- Present cases that may involve highly technical as well as legal procedural complexity;
- Meets with prosecuting attorneys to evaluate and consider plea bargaining potentials and offers;
- Analyzes charging documents, police reports and discovery material and evidence for assigned criminal cases;
- Prepares for and appears in court for pretrial and trial proceedings and hearings, including arraignments, transfer hearings and law and motion hearings to represent client's interests;
- Prepares trial briefs and conducts all phases of trial in court;
- Recommends bond and participates in bond hearings;
- Researches and briefs post-conviction motions, consulting the Appellate Defender's Office when necessary;
- Reviews petitions for probation revocations;
- Participates in sentencing hearing;
- Prepares motions for a new trial;
- Informs defendant of right to an appeal;
- Provides information to appellate counsel (where new counsel is handling the appeal);
- Informs defendant of right to apply to the sentence review panel;
- Informs defendant of right for post-conviction relief;
- Provides standby counsel in criminal cases;
- Actively and effectively represent clients in the appellate process by presenting for appellate review all legal issues that have a reasonable probability of resulting in reversal of the client's conviction or commitment, or improving his or her legal position;
- Develops, in consultation with the client, an overall defense strategy. In deciding on defense strategy, counsel should consider whether the client's interests are best served by not putting on a defense case and instead relying on the prosecution's failure to meet its constitutional burden of proving each element beyond a reasonable doubt;
- Counsel must be alert to all potential and actual conflicts of interest that would impair counsel's ability to represent a client. When appropriate, counsel may be obliged to seek an advisory opinion on any potential conflicts. If a conflict develops during the course of representation, counsel has a duty to notify the client and the court in accordance with the Rules of Professional Conduct and in accordance with the Disciplinary Rules of the State Bar of Montana;
- Keeps current with the statutes, rules, and cases regarding both procedural and substantive legal issues.
- Bring the same level of expertise, preparation, and advocacy to juvenile, involuntary commitments, and dependent/neglect cases.

2. If this position supervises other positions, complete the following information.

List the complexity level of the subordinates. Public Defenders, pay band 7

Please list the Position Number for those supervised. Identified on organizational chart

61800204	Lawyer
61800206	Lawyer
61800209	Lawyer
61800210	Lawyer
61800211	Lawyer
61800213	Lawyer
61800215	Lawyer
61800216	Lawyer
61800217	Lawyer
61800219	Lawyer
61800220	Lawyer
61800221	Lawyer
61800236	Lawyer
61800237	Lawyer

Is this position responsible for:

☒ Hiring ☒ Firing ☒ Performance Management ☐ Promotions
☒ Supervision ☒ Discipline ☐ Pay Level ☐ Other: Final approval of all actions are reviewed by the Regional Deputy Public Defender and approved by the Chief Public Defender prior to actions being taken.

SECTION III - Minimum Qualifications - List the minimum requirements for first day of work.

Please list the main knowledge and skill areas required for the job:

- Extensive knowledge of the Public Defender arena, roles and duties of court appointed counsel, and general knowledge of business applications including human resource management, financial management, and budget processes
- Legal and court policies, procedures, practices and their application with particular reference to indigent defense
- State and federal laws, rules and regulations and their judicial interpretation and precedents
- Methods and tactics employed in the defense of legal actions in courts;
- Extensive knowledge of substantive criminal law and the law of criminal procedure and its application in the State of Montana.
- Counsel has a continuing obligation to stay abreast of changes and developments in the law;
- Must have knowledge of Titles 40, (Uniform Parentage Act), 41 (Montana Youth Court Act) (Child Abuse & Neglect), 45 (Crimes), 46 (Criminal Procedure), 53 (Mental Disorder), Montana Code Annotated, Rules of Evidence, Rules of Appellate Procedure;
- Must have knowledge of the classification of mental disorders and the ability to read and understand medical terminology related to mental disorders, developmental disabilities, chemical dependence and alcoholism. and how a particular mental disorder, developmental disability, chemical dependence or alcoholism will affect Public Defender client communications and should recognize that communications may require special efforts on the part of counsel.
- Must have knowledge of cultural differences that may affect the attorney/client relationship and communications.
- Statutory requirements governing guardianship and conservatorship in the jurisdiction as well as case law

and court rules;

- Various types of pleas that may be agreed to, including a plea of guilty, a plea of *nolo contendere*, and a plea in which the defendant is not required to personally acknowledge his or her guilt;
- Services available to youth, minors; mental health and social services that may be available in the community.
- Principles and practices of evidence collection
- General legal principles and their applications, the powers, functions and duties of the Public Defender office

Ability to:

- Provide strong leadership and direction;
- Deal effectively with highly sensitive public, political and agency specific issues;
- Assess hypothetical situations and impacts;
- Consolidate a unified strategy in response to numerous issues and concerns;
- Make proper decisions in stressful situations.
- Recognize, analyze and solve complex problems;
- Analyze highly complex legal documents for clarity and legal sufficiency;
- Assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms;
- Direct a complex organization through effective planning, delegation and leadership.
- Motivate and supervise Public Defenders, Investigators and Support Staff
- Recognize, analyze and solve complex management problems
- Prepare and supervise the preparation of accurate and reliable legal documents and perform a wide variety of legal tasks under the pressure of time-sensitive deadlines.
- Carry out legal research; analyze legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and logically, clearly, and concisely present noncomplex evidentiary matters and other materials in accepted oral and written legal forms;
- Frame issues based on the policy implications associated with the Public Defender System
- Establish and maintain effective working relationships with indigent clients, attorneys, elected officials, witnesses, Judges, court personnel, law enforcement personnel, agency personnel and the public.
- Communicate effectively orally and in writing
- Make proper decisions in stressful situations
- Accept the direction of the Chief Public Defender, Deputy Public Defender, Managing Attorneys and the Commission

Skills:

- Organizational and leadership
- Prepare briefs, opinions and pleadings, and in carrying out legal research of a difficult nature.
- Problem solving and decision making
- Must be self motivated and customer-oriented
- Research analyze a wide variety of materials and documentation

In order to provide effective representation Public Defenders employed by the Office of the State Public Defender will be required to attend and engage in various training sessions provided to gain additional knowledge, skills and abilities relating to public defender practice or representing persons whose liberty is at risk as a result of State initiated proceedings to ensure that Counsel meets the minimum standards before accepting a case. In addition other training sessions will be required which include, but are not limited to, mental health disabilities, cultural competency, and drug dependency.

Education and experience: Please check the one box that indicates the **minimum** educational requirements for this job, as it relates to a new employee on the **first day** of work (not the educational background of the person now in the position):

<input type="checkbox"/> No education required <input type="checkbox"/> High school diploma or equivalent <input type="checkbox"/> 1 year job-related college or vocational training	<input type="checkbox"/> 2 year job-related college or vocational <input type="checkbox"/> College degree (Bachelor's) <input checked="" type="checkbox"/> Post-graduate degree or equivalent (e.g. Master's, JD)	training
There may be a variety of fields of study that are acceptable. A Human Resource Specialist may have a Bachelor's in Human Resources, Business Administration, Public Administration or another related field. Please specify the acceptable fields of study:		
Juris Doctor from ABA accredited law school Attend continuing legal education seminars to satisfy the required annual quota of Montana Bar Association which includes both substantive and ethics course content.		
License required (please specify):		
Admission to the State Bar of Montana. Admission to Montana Courts, U.S. District Courts and Ninth Circuit Court of Appeals		
Please check the one box that indicates the minimum amount of job-related work experience needed as a new employee on the first day of work (not the experience of the person now in the position):		
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <input type="checkbox"/> No prior work experience required <input type="checkbox"/> 1 to 2 years of job-related work experience </div> <div style="text-align: center;"> <input type="checkbox"/> 3 to 4 years job-related work experience <input checked="" type="checkbox"/> 5 or more years of job-related work experience </div> </div>		
<div style="border: 1px solid black; height: 40px; margin-bottom: 10px;"></div> <input type="checkbox"/> This agency will accept alternative methods of obtaining necessary qualifications.		
For recruiting purposes please list examples of acceptable alternative methods of obtaining those qualifications. These examples should appear on a vacancy announcement.		
Ideal candidate will have at least six years of practical experience in law, preferably in litigation of criminal and civil law involving public defense actions and possess progressively responsible leadership skills to direct a complex organization through effective planning and delegation to manage, supervise and utilize the skills of staff to meet the needs of the Public Defender System.		
SECTION IV – Other Important Job Information		
List any other important information associated with this position, such as working conditions, supervision provided or received, scope and effect and personal contact.		
While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit and use hands to take notes or operate keyboard. Employee is required to stand and walk. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, and ability to adjust focus.		
The employee works in an office setting, court setting and has regular visits with clients in jail, detention centers, and mental health facilities. Requires exposure to stressful situations.		
Incumbent is required to travel throughout the state to attend training sessions and to represent clients who are assigned to the Public Defender.		
SECTION V – Signatures		

My signature below (typed or hand written) indicates the statements in Section I to IV are accurate and complete.

Immediate Supervisor:

Regional Deputy Public Defender

02/01/2009

Signature

Title

Date

Administrative Review:

Randi M. Hood

Chief Public Defender

02/01/2009

Signature

Title

Date